

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BPI ENERGY, INC.,

Plaintiff,

v.

IEC (MONTGOMERY), LLC, et al.,

Defendants.

Case No. 07-cv-186-DRH

ORDER

HERNDON, Chief Judge:

The Agreed Motion (Doc. 115) of Plaintiffs BPI Energy, Inc. and BPI Energy Holdings, Inc. ("BPI") (collectively the "Plaintiffs") and Defendants IEC (Montgomery), LLC ("IEC"), Christian Coal Holdings, LLC ("Christian"), Shelby Coal Holdings, LLC ("Shelby"), Clinton Coal Holdings, LLC ("Clinton"), Marion Coal Holdings, LLC ("Marion"), Vandalia Energy Company, LLC ("Vandalia"), and Drummond Company, Inc. ("Drummond") (collectively the "Defendants") to amend the Scheduling Order, dated May 6, 2008, by changing the presumptive trial month from February 2009 to **April 2009** is hereby **GRANTED**.

IT IS SO ORDERED.

Signed this 23rd day of May, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**